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IRVING MALCHMAN, OF COUNSEL

VIA E-FILING

December 1, 2005

Clerk of the Court
United States District Court for the District of Massachusetts
Suite 2300
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: The City of New York and Captioned New York Counties (MDL 1456)
(No. 01-CV-12257-PBS)

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matters please find the December 1, 2005 status report for The City of New York and Captioned New York Counties.

Sincerely,

/s/ Aaron D. Hovan
Aaron D. Hovan

Enclosures
cc: All Parties on Verilaw

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

County of Albany v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0425

County of Allegany v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0236

County of Broome v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00456

County of Cattaraugus v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0256

County of Cayuga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0423

County of Chautauqua v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0214

County of Chenango v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0354

County of Fulton v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0519

County of Genesee v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-00267

County of Greene v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0474

County of Herkimer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00415

County of Jefferson v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0715

County of Madison v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0714

County of Monroe v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-1648

County of Niagara v. Abbott Laboratories, Inc., et al.

December 1, 2005

**STATUS REPORT FOR
THE CITY OF NEW YORK
AND CAPTIONED NEW
YORK COUNTIES**

W.D.N.Y. Case No. 05-CV-6296

County of Oneida v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0489

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

County of Putnam v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 05-CV-4748

County of Rensselaer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00422

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of St. Lawrence v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0479

County of Saratoga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0478

County of Steuben v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6223

County of Suffolk v. Abbott Laboratories, Inc., et al.
E.D.N.Y. Case No. 03-CV-12257

County of Tompkins v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0397

County of Warrren v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0468

County of Washington v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0408

County of Wayne v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6138

County of Westchester v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-6178

County of Yates v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-06172

The undersigned counsel for the Captioned-plaintiffs (hereinafter referred to as the City of New York and Captioned New York Counties) hereby submit the attached status report to the Court in accordance with the Court's June 17, 2004 Procedural Order.

Date: December 1, 2005

New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala

Joanne M. Cicala

Aaron. D. Hovan

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**COUNSEL FOR CITY OF NEW YORK AND
CAPTIONED NEW YORK COUNTIES**

MDL 1456 Status Report for the City of New York and Captioned New York Counties

Consolidated Complaint

On August 16, 2005, Foley Hoag, LLP filed on behalf of defendants a Motion to Compel Disclosure by Plaintiff's and for Extension of Time to Comply with the Court's July 8, 2005 order. That motion was withdrawn on September 19, 2005 after plaintiffs disclosed the source of the pricing data set forth in the consolidated complaint.

On October 4, 2005, defendants filed a second Request for Extension of Time and Further Relief in Order to Comply with July 8, 2005 Order. Plaintiff's response was filed on October 12, 2005. No ruling has yet issued.

Anticipated Filings

The City of New York and Captioned New York Counties are poised to file a motion for entry of a Case Management Order that will govern briefing on any motions to dismiss their cases and the Nassau County case. We and Nassau County have vetted this proposed CMO with representatives of the defense counsel group who have found it acceptable and are in the process of conveying it to the entire defense group. As soon as we hear back from the entire defense group, we will file our motion for entry of the proposed CMO.

Certificate of Service

I certify that on December 1, 2005 a true and correct copy of the foregoing December 1, 2005 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/Aaron D. Hovan
Aaron D. Hovan

